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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicants(s):	Boyer et al.
Case:	502084-A-01-US (Boyer)
Serial No.:	10/672,635
Filing Date:	September 26, 2003
Group:	2612
Examiner:	Anh V. La

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: Bobbett Blaff Date: July 17, 2006

Title: Programmable Presence Proxy for Determining a Presence Status of a User

TRANSMITTAL OF REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Reply Brief relating to the above-identified patent application.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Avaya Deposit Account No. 50-1602** as required to correct the error. A duplicate copy of this letter and two copies of the Reply Brief are enclosed.

Respectfully,

Kevin M. Mason

Date: July 17, 2006

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Signature: Robert Blake Date: July 17, 2006

Title: Programmable Presence Proxy for Determining a Presence Status of a User

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby reply to the Examiner's Answer, mailed May 17, 2006 (referred to hereinafter as "the Examiner's Answer"), in an Appeal of the final rejection of claims 1-25 in the above-identified patent application.

REAL PARTY IN INTEREST

A statement identifying the real party in interest is contained in Appellants' Appeal Brief.

RELATED APPEALS AND INTERFERENCES

A statement identifying related appeals is contained in Appellants' Appeal Brief.

STATUS OF CLAIMS

A statement identifying the status of the claims is contained in Appellants' Appeal Brief.

STATUS OF AMENDMENTS

A statement identifying the status of the amendments is contained in Appellants' Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

A Summary of the Invention is contained in Appellants' Appeal Brief.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bushnell in view of Schuster et al.

CLAIMS APPEALED

A copy of the appealed claims is contained in an Appendix of Appellants' Appeal Brief and herein.

ARGUMENT

In the Response to Arguments section of the Examiner's Answer (pages 5-6), the Examiner asserts that the features upon which appellant relies (i.e., the presence proxy, a Lotus Notes Server, the presence data collector, a Lotus Notes client, a Microsoft Exchange Server, an application program interface, Microsoft Collaboration Data Objects library, a Calendar Server interface, a Netscape Directory Server, iCalendar interface, an XML document, the CPIM model) are not recited in the rejected claim(s).

Appellants note that not all of the elements listed by the Examiner are features relied upon by Appellants' argument; some of the elements listed by the Examiner, however, are indicative of the format of the presence information prior to being translated to a standard format, and note that "presence information" is a feature that is recited in the claims.

The Examiner further asserts that "the information that the virtual presence server uses in order to automatically forward all calls and route email, faxes, and LAN data to the remote user must be in a standard format."

Appellants note that calls, email, faxes, and LAN data can be automatically forwarded to a remote user without being in a standard format, as would be apparent to a person of ordinary skill in the art.

The Examiner further asserts that "Staples clearly discloses the use of 'a standard format' in column 19, lines 14-67 and in column 20, lines 1-18."

Appellants have reviewed the cited text and could find no disclosure or suggestion of translating presence information from a presence data store into a *standard format*, and could find no disclosure or suggestion of tasks that would inherently require the translation of presence information from a presence data store into a *standard format*.

In the Response to Arguments section of the Examiner's Answer (pages 6-7), the Examiner asserts that the features upon which appellant relies (i.e., the presence proxy, a programmable interface, the user-specification of logic, the user can define filtering rules that determine how the presence information of the user is shared with applications, a conflict between an appointment in my Microsoft™ Outlook Calendar and my Palm, my Palm™ Calendar, the text analysis engine can analyze scheduled appointments/meetings for keywords and infer the presence information for the user according to the user's rules, a user could create a rule that establishes his or her status as "busy" whenever the user has the "lunch" keyword in his appointments, the user could create a rule that establishes his or her status as "unavailable" whenever the "tele-conf" keyword appears in the user's appointments) are not recited in the rejected claim(s).

Appellants note that not all of the elements listed by the Examiner are features relied upon by Appellants' argument; some of the elements listed by the Examiner, however, assist in establishing the definition of the *one or more rules* that are applied to the obtained presence information, and note that the "one or more rules" is a feature that is recited in the claims.

The Examiner further asserts that "Staples clearly discloses an example of using 'one or more rules' in column 21, lines 50-65 and column 22, lines 13-30."

Appellants have reviewed the text cited by the Examiner and could find no disclosure or suggestion of determining the presence status of the user based on ***one or more rules*** that are applied to the obtained presence information, and could find no disclosure or suggestion of tasks that would inherently require determining the presence status of the user based on ***one or more rules*** that are applied to the obtained presence information.

The Examiner asserts that Staples discloses one or more rules that filter/aggregate the

obtained presence information (Abstract; FIG. 1: 10, 12-20; col. 2, line 40, to col. 3, line 67; column 21, lines 50-65, and column 22, lines 13-30).

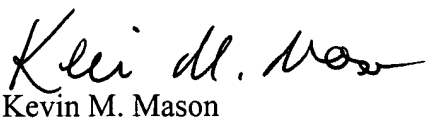
Appellants, however, could find no disclosure or suggestion by Staples of one or more rules that ***filter/aggregate*** *obtained presence information.*

Conclusion

The rejections of the cited claims under section 102 in view of Staples et al. are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,



Date: July 17, 2006

Kevin M. Mason
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APPENDIX

1. A method for determining a presence status of a user, comprising:

obtaining presence information from a plurality of presence data stores;

translating said presence information from at least one of said presence data stores into a standard format; and

determining said presence status of said user based on said obtained presence information.

2. The method of claim 1, wherein said presence status indicates if said user can be reached at one or more indicated devices.

3. The method of claim 1, wherein said presence information is obtained from a user registration process.

4. The method of claim 1, wherein said presence information is obtained by observing activities of a user.

5. The method of claim 1, wherein said obtaining step is performed by a presence data collector.

6. The method of claim 5, wherein said obtaining step further comprises the step of querying a presence data store for said presence information.

7. The method of claim 5, wherein said obtaining step further comprises the step of receiving a message containing said presence information from a presence data store.

8. The method of claim 1, wherein said determining step further comprises the step of determining said presence status of said user based on one or more rules that aggregate said obtained presence information.

9. The method of claim 1, wherein said determining step further comprises the step of determining said presence status of said user based on one or more rules that filter said obtained presence information.

10. The method of claim 1, further comprising the steps of translating said presence information in said standard format to a format appropriate for a recipient application and providing said presence status to said recipient application.

11. The method of claim 1, wherein said presence data store is a device.

12. The method of claim 1, wherein said presence data store is an application.

13. A method for determining a presence status of a user, comprising:
obtaining presence information from a plurality of presence data stores; and
determining said presence status of said user based on one or more rules that are applied to said obtained presence information.

14. The method of claim 13, wherein said obtaining step further comprises the step of querying a presence data store for said presence information.

15. The method of claim 13, wherein said obtaining step further comprises the step of receiving a message containing said presence information from a presence data store.

16. The method of claim 13, wherein said one or more rules includes at least one aggregation rule that determine said presence status based on one or more of said obtained presence information.

17. The method of claim 13, wherein said one or more rules includes at least one filter rule that determine who may receive said presence status.

18. A system for determining a presence status of a user, comprising:

a memory; and

at least one processor, coupled to the memory, operative to:

obtain presence information from a plurality of presence data stores;

translate said presence information from at least one of said presence data stores into a standard format; and

determine said presence status of said user based on said obtained presence information.

19. The system of claim 18, wherein said presence status indicates if said user can be reached at one or more indicated devices.

20. The system of claim 18, wherein said processor is further configured to query a presence data store for said presence information.

21. The system of claim 18, wherein said processor is further configured to receive a message containing said presence information from a presence data store.

22. The system of claim 18, wherein said processor is further configured to translate said presence information to a format appropriate for a recipient application and providing said presence status to said recipient application.

23. A system for determining a presence status of a user, comprising:

a memory; and

at least one processor, coupled to the memory, operative to:

obtain presence information from a plurality of presence data stores; and

determine said presence status of said user based on one or more rules that are applied to said obtained presence information.

24. The system of claim 23, wherein said one or more rules includes at least one aggregation rule that determine said presence status based on one or more of said obtained presence information.

25. The system of claim 23, wherein said one or more rules includes at least one filter rule that determine who may receive said presence status.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.